

**STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS**

**FOR THE DEPARTMENT OF LABOR AND INDUSTRY**

In the Matter of Arden G. Krueger, Jr.,  
individually and d/b/a Krueger  
Construction, License No. 9229

**FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION**

A prehearing conference was conducted in this matter on August 31, 2005 before Administrative Law Judge ("ALJ") Richard C. Luis at the Office of Administrative Hearings in Minneapolis, MN.

Christopher M. Kaisershot, Assistant Attorney General, 1200 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2130, appeared on behalf of the Department of Labor and Industry ("Department"). There was no appearance by or on behalf of Arden G. Krueger, Jr. or Krueger Construction.

The record closed at the conclusion of the prehearing conference on the same day.

**NOTICE**

This Report is a recommendation, not a final decision. The Commissioner of the Department of Labor and Industry will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Commissioner. Parties should contact Scott Brener, Commissioner, Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155, to learn the procedure for filing exceptions or presenting argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. In order to comply with this statute, the Commissioner must then return the record to the Administrative Law Judge within 10 working days to allow the Judge to determine the discipline to be imposed. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

## **STATEMENT OF ISSUE**

Whether disciplinary action should be imposed on Arden G. Krueger, Jr., individually and against his business, Krueger Construction, License No. 9229, for breach of contract, failure to produce documents or appear as ordered by the Department, and/or engaging in fraudulent, deceptive and dishonest practices that demonstrate he is untrustworthy, incompetent and unqualified to act under the license granted by the Commissioner?

Based on the proceedings herein, the Administrative Law Judge makes the following:

## **FINDINGS OF FACT**

1. On July 14, 2005, a Notice of and Order for Hearing, Order for Prehearing Conference, Order to Show Cause and Statement of Charges was served by U.S. mail on Mr. Krueger and Krueger Construction to the following address:

1129 East Grant Street, Caledonia, MN 55921.

2. The Notice, Orders and Statement of Charges document noted in the preceding Finding reads, at paragraph one on page six:

“Respondent’s failure to appear at the prehearing conference may result in a finding that Respondent is in default, that the Department’s allegations contained in the Statement of Charges may be accepted as true, and that its proposed disciplinary action may be upheld.”

3. Mr. Krueger did not appear at the Prehearing Conference on August 31, 2005, nor did anyone appear on his behalf. Mr. Krueger made no prehearing request for a continuance, nor did he file a Notice of Appearance. Counsel for the Department presented the Administrative Law Judge a copy of a letter sent to him by Mr. Krueger on or about August 22, 2005, which letter was admitted to the record. The letter gives Mr. Krueger’s account of an attempt to settle his affairs with the people who filed the complaint with the Department of Labor and Industry leading to this proposed disciplinary action. The letter also announces that Mr. Krueger has decided not to renew his license as a residential building contractor.

4. The allegations in the Notice and Order for Hearing, Order for Prehearing Conference, Order to Show Cause and Statement of Charges are deemed proved and are incorporated into these Findings by reference.

Based on the Findings of Fact, the Administrative Law Judge makes the following:

## **CONCLUSIONS**

1. The Administrative Law Judge and the Commissioner of Labor and Industry have jurisdiction in this matter pursuant to Minn. Stat. § § 14.50, 45.027 and 326.91.

2. Any of the Findings more properly termed Conclusions are hereby incorporated as such.

3. The Licensee was given timely and proper notice of the Prehearing Conference in this matter. The Board has complied with all procedural requirements of law and rule.

4. Under Minn. Rule 1400.6000, the allegations and issues set out in the Notice of and Order for Hearing, Order for Prehearing Conference, Order to Show Cause and Statement of Charges may be taken as true or deemed proved when a party defaults.

5. Under Minn. Rule 1400.6000, the Licensee is in default as a result of his failure to appear at the scheduled Prehearing Conference. His letter to counsel for the Department, sent August 22, 2005, does not constitute an appearance within the meaning of Minn. Rule 1400.6000.

6. Based on the facts set out in the Statement of Charges, the Licensee has violated Minn. Stat. § § 45.027, subds. 2, 7(a)(2) and (4), and 326.91, subds. 1(2), (4) and (6).

7. The taking of disciplinary action against Arden G. Krueger, Jr. and Krueger Construction is in the public interest.

Based on the Conclusions, the Administrative Law Judge makes the following:

## **RECOMMENDATION**

IT IS RECOMMENDED that the Commissioner of Labor and Industry take appropriate disciplinary action against Arden G. Krueger, Jr., individually, and d/b/a Krueger Construction, License No. 9229.

Dated this 29<sup>th</sup> day of April, 2011

s/ Richard C. Luis \_\_\_\_\_  
RICHARD C. LUIS  
Administrative Law Judge

Reported: Default.

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

**R.C.L.**